

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

SERVICES, INC.,

Plaintiff,

v.

PHAMY XAYPANYA,

Defendant.

Civil Action No. 18-12348 (MAS) (LHG)

**MEMORANDUM ORDER ON
APPLICATION TO PROCEED WITHOUT
PREPAYMENT OF FEES**


This matter comes before the Court on the application of Defendant Phamy Xaypanya to proceed without prepayment of fees under 28 U.S.C. § 1915. (Application, ECF 1-1.) Because Defendant failed to use the proper *in forma pauperis* application, the Court is unable to determine whether Defendant is economically eligible to proceed *in forma pauperis*. Accordingly,

IT IS on this 13th day of September 2018, **ORDERED** that:

1. Defendant's application to proceed *in forma pauperis* (ECF No. 1-1) is **DENIED WITHOUT PREJUDICE**.
2. By **September 21, 2018**, Defendant may refile an application to proceed *in forma pauperis* using the Long Form Application entitled Form AO 239, found at <http://www.uscourts.gov/forms/fee-waiver-application-forms/application-proceed-district-court-without-prepaying-fees-or>.
3. The clerk is ordered to close the file.¹ Defendant may submit payment in the amount of **\$400** by **September 21, 2018**, at which time the Court will reopen the matter. If

¹ Defendant filed two motions in this matter. (ECF Nos. 7, 9.) Those motions are terminated without prejudice pending receipt of the filing fee or the Court's review of Defendant's renewed *in forma pauperis* application.

Defendant refiles an amended *in forma pauperis* application, the Court will reopen the matter and review the application pursuant to 28 U.S.C. § 1915.



MICHAEL A. SHIPP
UNITED STATES DISTRICT JUDGE